IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14949 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL NARENDRAKUMAR RAMCHANDRABHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 14949 of 2003

MR.HEMANG H PARIKH for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 16/10/2003

ORAL JUDGEMENT

RULE. Service of rule is waived by learned

advocate Shri N.J. Shah appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The petitioner was holding passport bearing No. P-099025 which has expired. The case of the petitioner is that in the said passport his place of birth was recorded as Vadodara on the basis of his school leaving certificate. He has now come to know that his correct place of birth is 'Bhayali' as per the Birth Certificate issued by the concerned authority. He, therefore, wants his correct place of birth to be recorded in the new passport, which might be issued to him. It is the apprehension of the petitioner that the passport authority might not incorporate the correct place of birth as recorded in the birth certificate as the earlier passport reflects the date of birth shown in the school leaving certificate.

3. The petitioner has, therefore, prayed that the respondent authority be directed to issue the new passport with the correct place of birth of the petitioner as shown in the birth certificate.

4. Learned advocate Shri N.J. Shah appearing for the respondent authority has submitted that only on the basis of material given by the petitioner in the past, his place of birth was recorded as Vadodara. It is his case that no change in the passport is normally effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details if the passport authority is satisfied with the genuineness of the data to be corrected.

6. I have heard the learned advocates. Looking to the facts of the case, the petitioner is directed to make an application to the respondent authority and the respondent authority shall look into the application submitted by the petitioner and the evidence adduced by the petitioner to the respondent in support of his case that his correct place of birth is Bhayali. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order thereafter.

7. As the respondent authority will have to undertake the exercise of scrutinizing the application, appreciating the evidence, etc. afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs.

5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

8. It is hoped that the respondent authority shall scrutinize the application and shall take appropriate action as soon as possible.

The petition is allowed. Rule is made absolute. D.S. permitted.

(A.R. Dave, J.)

(hn)